

w/o
V1300CR201080049

FILED

402 O'Clock, p M

APR 20 2011

JEANNE HENDON, Clerk
BY MONDI HAGEN
Deputy

Ladies and Gentlemen,

A ~~criminal~~ defendant is always free to challenge the sufficiency of the evidence with respect to an element or issue upon which the State bears the burden of proof, even without any advance notice of intent to do so. A defendant need not provide the prosecutor or the court with a preview of his case or his arguments.

You heard testimony this morning and yesterday regarding when and how the Detective learned about information related to possible organophosphate poisoning. In considering this information, you must remember that the prosecution has the burden to prove all elements of the charged crimes beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. The burden of proof never shifts to Mr. Ray, the defendant. Mr. Ray is not required to produce any evidence at all.